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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,219	11/12/2003	Yasuyuki Kitada	826.1902	4108

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EXAMINER	
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ART UNIT	PAPER NUMBER
2622	

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07/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/705,219	KITADA, YASUYUKI	
	Examiner	Art Unit	
	Dillon Durnford-Geszvain	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims **1-16** are pending, claims **1, 10-12** and **15** are amended, and claim **16** is added.

Response to Arguments

2. Applicant's arguments with respect to claims **1, 10-12, 15** and **16** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims **1-8** and **10-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,288,742 (Ansari) in view of US 6,897,891 (Itsukaichi).

5. As to claim **1**, Ansari teaches an electronic appliance (Fig. 2A), comprising:

a first image capture unit 20 shooting an image;

a second image capture unit 21 shooting an image, shich is arranged on a side different from said first image capture unit, shooting an image (Fig. 3);

an image capture selecting unit 23 selecting at least either of said first image capture unit and said second image capture unit (C3 L27-40);

a shooting controlling unit taking a shot by using at leat either of said first iomage capture unit 20 and said second image capture unit 21, which is selected by said image

capture selecting unit 23 (C5 L1-16).

Ansari does not explicitly teach first and second lights for illuminating the subject of said first and second camera respectively. However, Itsukaichi teaches an electronic appliance for video conferencing (Figs. 2 and 3), that can also be used with a flash to capture still images (C10 L6-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a strobe for each of the image capture units of Ansari and to have controlled them in a similar manner as is done in Itsukaichi with the additional ability to switch between the combined appliance as is done in Ansari as this would allow for taking still images of a teleconference.

6. As to claim **2**, see the rejection of claim **1** and note that the invention of Ansari in view of Itsukaichi would teach lighting the illuminating device prior to image capture if a video and/or preview image is to be taken as a flash of light would be inappropriate for this purpose and the invention of Ansari is directed toward video conferencing so it would have been obvious to provide light during a video conference if there is not enough ambient light to make the user visible to a person with whom the user is having a video conference with.

7. As to claim **3**, see the rejection of claim **1** and note that Itsukaichi further teaches that the light can be controlled in synchronization with a still shooting mode (C10 L 6-

37).

8. As to claim **4**, see the rejection of claim **1** and note that Ansari further teaches that one, or both cameras can be selected (C5 L1-16).

9. As to claim **5**, see the rejection of claim **1** and note that the combination of Ansari and Itsukaichi would use the first light when the first camera is selected, the second light when the second camera is selected and both when both are selected, as alluded to in the rejection of claim **1**.

10. As to claim **6**, see the rejection of claim **1** and note that as discussed in the rejections of claims **3** and **4** it would have been obvious to one of ordinary skill in the art at the time the invention was made to turn on the light before image capture for a video capture mode and synchronously for a still capture mode.

11. As to claim **7**, see the rejection of claim **1** and note that Ansari further teaches a display for displaying images captured by the imagers (C5 L1-16 and note that the apparatus is used for video conferencing and therefore a display unit is inherent).

As to claim **8**, see the rejection of claim **7** and note that neither Ansari nor Itsukaichi teach that the lights have different intensities, however, the Examiner takes Official Notice that it was old and well known at the time the invention was made to have altered

the lighting intensity of a flash depending on how far a subject is from the camera. As the cameras of Ansari are intended for shooting subjects at different focal lengths (see Fig. 3) it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the lighting intensities of the first and second lights different from each other as this would better provide the appropriate amount of flash for each camera.

As applicant has failed to traverse the above old and well known statements of claim **8**, the idea that different intensities of light are used for illuminating objects at different distances from a light source is now considered admitted prior art. See MPEP 2144. 03 (c).

12. Claim **10** corresponds to claim **1** but uses means for language and therefore is rejected on the same grounds as claim **1** but using means for language.

13. Claim **11** is a method that corresponds to the apparatus of claim **1** and therefore is rejected on the same grounds as claim **1** but drawn to a method.

14. Claim **12** is similar to claim **1** but with the additional limitation, taught by Ansari, of accepting user input to control which camera captures an image (C5 L1-16).

15. Claim **13** is similar to claim **8** and is rejected on similar grounds.

16. As to claim **14**, see the rejection of claim **12** and note that the Examiner takes Official Notice that it was old and well known at the time the invention was made to have allowed a user to manually turn a flash on or off according to a user input from a user input device. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have allowed a user to turn the flash(es) of Ansari in view of Itsukaichi on and off as this would allow a user to conserve battery power if they deemed there was enough ambient light to take properly exposed images.

As applicant has failed to traverse the above old and well known statements of claim **14**, the idea that allowing a user to manually turn a flash on or off according to a user input from a user input device is now considered admitted prior art. See MPEP 2144. 03 (c).

17. Claim **15** corresponds at least to claim **14** and therefore is rejected on the same grounds as claim **14**.

18. Claim **16** is similar to claim **2** and is rejected on similar grounds.

19. Claim **9** is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,288,742 (Ansari) in view of US 6,897,891 (Itsukaichi) further in view of WO 01/31893 (Haermae).

20. As to claim **9**, see the rejection of claim **1** and note that neither ANsari nor Itsukaichi teaches using a cellular phone as the means for teleconferencing, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to one of ordinary skill in the art at the time the invention was made to use the system of Ansari in view of Itsukaichi in a cellular phone as taught by Haermae as this would allow for a user to teleconference at places that are not equipped with specialized equipment.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571)272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David L. Ometz/
Supervisory Patent Examiner, Art Unit 2622

Dillon Durnford-Geszvain 6/8/2008